

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

IN THE MATTER OF:

JULIE A. QUALLS,

Complainant,

and

RENT-A-CAR, INC.,

Respondent.

Charge No.: 2007CF1468

EEOC No.: 21BA70466

ALS No.: 08-0281

Judge Gertrude L. McCarthy

RECOMMENDED ORDER AND DECISION

On June 17, 2008, the Illinois Department of Human Rights (Department) filed a *Complaint of Civil Rights Violation* on behalf of Complainant. The complaint alleged discrimination based on race and gender in violation of the Illinois Human Rights Act (Act).

On January 30, 2009, Respondent filed its *Motion to Dismiss for Want of Prosecution*.

The Department is an additional statutory agency that has issued state actions in this matter. The Department is therefore named as an additional party of record.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

1. On June 17, 2008, the Department filed a *Complaint of Civil Rights Violation* on behalf of Complainant alleging discrimination based on race and gender in violation of the Act.
2. On June 25, 2008, the Commission sent a *Notice of Public Hearing* to Complainant at the address of record, 1931 5th Avenue, Maywood, IL., 60153. That notice scheduled a hearing for September 10, 2008.

3. The Commission received proof of receipt by Complainant of the June 25, 2008 mailing.

4. On July 25, 2008, Respondent's filed its *Motion to Dismiss Or, in the Alternative, to Stay Proceedings and Compel Arbitration* with an accompanying memorandum and affidavits. That matter was set for August 13, 2008.

5. Complainant failed to appear for scheduled dates of August 13, 2008, October 30, 2008, December 10, 2008 and March 11, 2009.

6. On January 30, 2009 Respondent filed its *Motion to Dismiss for Want of Prosecution*.

7. Complainant did not respond to the pending motion.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute her case, this matter should be dismissed.

DISCUSSION

On June 17, 2008, the Department filed a *Complaint of Civil Rights Violation* alleging discrimination based on race and gender in violation of the Act.

Complainant failed to appear for status dates of August 13, 2008, October 30, 2008, December 10, 2008 and March 11, 2009.

On July 15, 2008, Respondent filed its *Motion to Dismiss, Or in the Alternative, to Stay Proceedings and Compel Arbitration*.

On January 30, 2009, Respondent filed it's a *Motion to Dismiss for Want or Prosecution*.

Respondent filed *Certificates of Service* with the Commission. One certificate showed notice to Complainant, through certified service, of the order of August 13, 2008.

Other Certificates of Service indicated that the orders of October 30, 2008 and December 10, 2008 were sent to Complainant via regular mail.

The Complainant has not filed a response to the pending motion.

Complainant has done nothing to ensure that her complaint is heard.

Complainant's actions, therefore have unreasonably delayed the proceedings in this matter.

It is a fundamental principle governing practice before the Commission that it is the singular responsibility of complainants to diligently pursue the disposition of their cases once they are docketed with the Commission. See *Johnson and Valley Green Management Co.*, IHRC, 11469, July 25, 2002.

The Commission routinely dismisses abandoned claims. See e.g. *Leonard and Solid Matter, Inc.*, IHRC, 4942, August 25, 1992. Additionally, the Commission has dismissed cases where Complainant has failed to appear before the Commission on dates scheduled for hearing or status. See, e.g. *Stewart and SBC Midwest*, IHRC, 04-227, March 22, 2006, and *Jackson and Chicago Firefighters Union Local No. 2*, IHRC, 8193, September 29, 1997. In light of those precedents, this case should be dismissed.

RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: March 16, 2009